

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company  
for Approval of an Agreement Concerning  
Certain Generation Assets Known as "Contra  
Costa 8" Pursuant to a Settlement and Release of  
Claims Agreement Approved by the Commission  
on January 14, 2005, for Authority to  
Recommence Construction, and for Adoption of  
Cost Recovery and Ratemaking Mechanisms  
Related to the Acquisition, Completion and  
Operation of the Assets. (U 39 E)

Application 05-06-029  
(Filed June 17, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING ENERGY PRODUCERS AND USERS COALITION'S  
REQUEST TO INTERVENE AND FOR PARTY STATUS**

On February 16, 2006, the Energy Producers and Users Coalition (EPUC) filed a petition to intervene in this application proceeding filed by Pacific Gas and Electric Company (PG&E) on June 17, 2005. Evidentiary hearings (EH) are set to begin in this matter on March 1, 2006. On February 21, 2006, PG&E filed a response to the petition.

In this application, PG&E is seeking Commission authorization for the completion, operation and cost recovery of the Contra Costa 8 generation facility. PG&E, the Division of Ratepayer Advocates, The Utility Reform Network, Californian Unions for Reliable Energy and the Coalition of California Utility Employees reached a settlement on all outstanding issues and on December 8, 2005, submitted a settlement agreement for Commission review and consideration. The only parties to the proceeding that did not agree to the

settlement were the municipal departing load customer interests. These non-settling parties have raised an issue of fact concerning a material term of the settlement and that is the length of time over which PG&E may seek recovery of uneconomic or stranded costs from departing load customers through a nonbypassable charge.

Although EPUC has been on the service list, as information only, it was not an active participant in the proceeding. By way of its petition to intervene, EPUC is seeking full party status to participate in the EH phase of the hearing, submit briefs, and comment on draft and proposed decisions. EPUC's interest in the proceeding is on the cost recovery issue that is the subject of the EH.

Since EPUC's interest is similar to that of the departing load parties, EPUC states that it will not broaden the issues or do anything to delay or prolong the proceeding.

PG&E filed a response to the petition basically stating that if EPUC's participation in the proceeding is limited to the cost recovery for departing load customers and all that EPUC desires by its change in status is to cross-examine PG&E witnesses, submit briefs and comment on the draft/proposed decisions, PG&E has no opposition to EPUC becoming a party. PG&E, however, does condition its position on EPUC's representation that it will not expand the issues or delay the proceeding.

EPUC's petition for party status is granted. Communications and correspondence to EPUC regarding this proceeding shall be directed as follows:

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**IT IS RULED** that that the petition by EPUC for party status in this proceeding is granted.

Dated February 27, 2006, at San Francisco, California.

/s/ CAROL BROWN  
Carol Brown  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Energy Producers and Users Coalition's Request to Intervene and for Party Status on all parties of record in this proceeding or their attorneys of record.

Dated February 27, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.